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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,011	08/09/2000	Minoru Murakami	00590/LH	5463
1933	7590	05/09/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			NGUYEN, TU X	
767 THIRD AVENUE			ART UNIT	
25TH FLOOR			PAPER NUMBER	
NEW YORK, NY 10017-2023			2684	

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,011

Applicant(s)

MURAKAMI ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-11,13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive because the Examiner's rejection was based on amendment dated August 27, 2004 but not supplemental amendment dated 10/11/04 and, therefore, the finality of that action is withdrawn.

In response to applicant's argument, 4/14/05, applicant's argument, page 12 first paragraph "the text image labeling technique disclosed by Nagamine et al. does not correspond to the feature of the present invention as recited in independent claims 1 and 6 whereby the transmission means attaches regional image information to an electronic mail and transmits the electronic mail with the regional image information attached thereto, when the communication device is set in an image attachment mode". However, Nagamine et al. disclose attaches regional image information (see col.6 lines 4-6) to an electronic mail when the communication device is set in an image attachment mode (see col.11 lines 29-34, col.16 lines 8-15).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1, 3-6, 8-10, 16-19, are rejected under 35 U.S.C. 102(e) as being anticipated by Nagamine et al. (US Patent 6564070).

Regarding claim 1, Nagamine et al. disclose a communication device (111, fig.5) comprising:

mail creation means for creating an electronic mail (see col.11 lines 31-32);

detecting means for detecting a current position of the communication device (see col.6 lines 4-19); and

storing means for storing regional image information specific to areas (see col.6 lines 14-19);

transmission means for reading from the storing means the regional image information corresponding to the area of the current position (see col.6 lines 4-19 and col.7 lines 12-13), and for attaching said regional image formation to the electronic mail and transmitting the electronic mail with said regional image information attached thereto (see col.11 lines 31-32), when the communication device is set in an image attachment mode (see col.11 lines 29-33).

Regarding claims 3, 8 and 17, Nagamine et al. disclose storing means stores at least one of scenic images of areas, logo marks of areas, and advertisement images corresponding to areas (see col.6 lines 4-6).

Regarding claims 4 and 9, Nagamine et al. discloses said storing means comprises a read-only memory (see col.12 lines 21-24).

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Regarding claims 5, 10 and 15, Nagamine et al. disclose storing means comprises a rewritable memory and means for writing externally supplied information to said rewritable memory (see col.12 lines 21-24).

Regarding claim 6, Nagamine et al. disclose mail creation means for creating an electronic mail (see col.11 lines 31-32);

detecting means for detecting a current position of the communication device (see col.6 lines 4-19); and

storing means for storing regional image information specific to areas (see col.6 lines 14-19);

transmission means for reading from the storing means the regional image information corresponding to the area of the current position (see col.6 lines 4-19 and col.7 lines 12-13), and for attaching said regional image formation to the electronic mail and transmitting the electronic mail with said regional image information attached thereto (see col.11 lines 31-32), when the communication device is set in an image attachment mode (see col.11 lines 29-33).

a cell station connected to said communication terminal via a radio channel (see col.5 lines 16-25).

Regarding claims 8, 17 and 19, Nagamine et al. disclose storing means stores at least one of scenic images of areas, logo marks of areas, and advertisement images corresponding to areas (see 212a, 212b, 206 fig.3).

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Regarding claims 16 and 18, Nagamine et al. disclose receiving means for receiving electronic mail with image information attached thereto which is transmitted from another device (see col.11 lines 10-13); and

Displaying means for displaying the received electronic mail and the received image information with the received image information superimposed on a part of the received electronic mail (see col.11 lines 10-17).

3. Claims 11, 13-15 and 20-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagamine et al. (US Patent 6564070) in view Sakurai et al. (US Patent 6,600,930)

Regarding claim 11, Nagamine et al. disclose mail creation means for creating an electronic mail (see col.11 lines 31-32);

detecting means for detecting a current position of the communication device (see col.6 lines 4-19); and

storing means for storing regional image information specific to areas (see col.6 lines 14-19);

transmission means for reading from the storing means the regional image information corresponding to the area of the current position (see col.6 lines 4-19 and col.7 lines 12-13), and for attaching said regional image information to the electronic mail and transmitting the electronic mail with said regional image information attached thereto (see col.11 lines 31-32), when the communication device is set in an image attachment mode (see col.11 lines 29-33).

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Nagamine et al. fails to disclose service center.

Sakurai et al. disclose service center (see col.1 lines 14-17). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Nagamine et al. with the above teaching of Sakurai et al. in order to provide a portable radiocommunication terminal can be manufactured at a low price because it is not require to be provided with a mass storage (as suggested by Sakurai et al., see col.8 lines 39-41).

Regarding claim 13, the modified Nagamine et al. disclose storing means stores at least one of scenic images of areas, logo marks of areas, and advertisement images corresponding to areas (see Nagamine, col.6 lines 4-6).

Regarding claim 14, the modified Nagamine et al. discloses said storing means comprises a read-only memory (see Nagamine, col.12 lines 21-24).

Regarding claim 15, the modified Nagamine et al. disclose storing means comprises a rewritable memory and means for writing externally supplied information to said rewritable memory (see Nagamine, col.12 lines 21-24).

Regarding claim 20, the modified Nagamine et al. disclose the regional information comprises image information corresponding to the current position based on the position information (see Nagamine,col.6 lines 7-10).

Regarding claim 21, the modified Nagamine et al. disclose receiving means for receiving electronic mail with image information attached thereto which is transmitted from another device (see Nagamine, col.11 lines 10-13); and

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Displaying means for displaying the received electronic mail and the received image information with the received image information superimposed on a part of the receive electronic mail (see Nagamine, col.11 lines 10-17).

Regarding claim 22, the modified Nagamine, disclose storing means stores at least one of scenic images of areas, logo mark (see Nagamine, col.6 lines 4-6).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

April 27, 2005

EDAN ORCAD
PATENT EXAMINER TELECOMM.
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L.O 4/26/05